

Missouri Statewide Health Information Exchange

Governance Workgroup

Jefferson City, MO
December 3, 2009



Agenda

Topic	Facilitator(s)	Time
Welcome & Introductions	Co-Chairs	15 minutes
HIE & HITECH Opportunities	Co-Chairs & Manatt	15 minutes
Project Overview <ul style="list-style-type: none">➤ Workgroup Framework➤ Timeline➤ Tasks	Co-Chairs & Manatt	20 minutes
Strategic Plan Components	Co-Chairs & Manatt	15 minutes
Considerations & Key Questions	Co-Chairs	40 minutes
Next Steps	Co-Chairs & Manatt	15 minutes

Welcome & Introductions

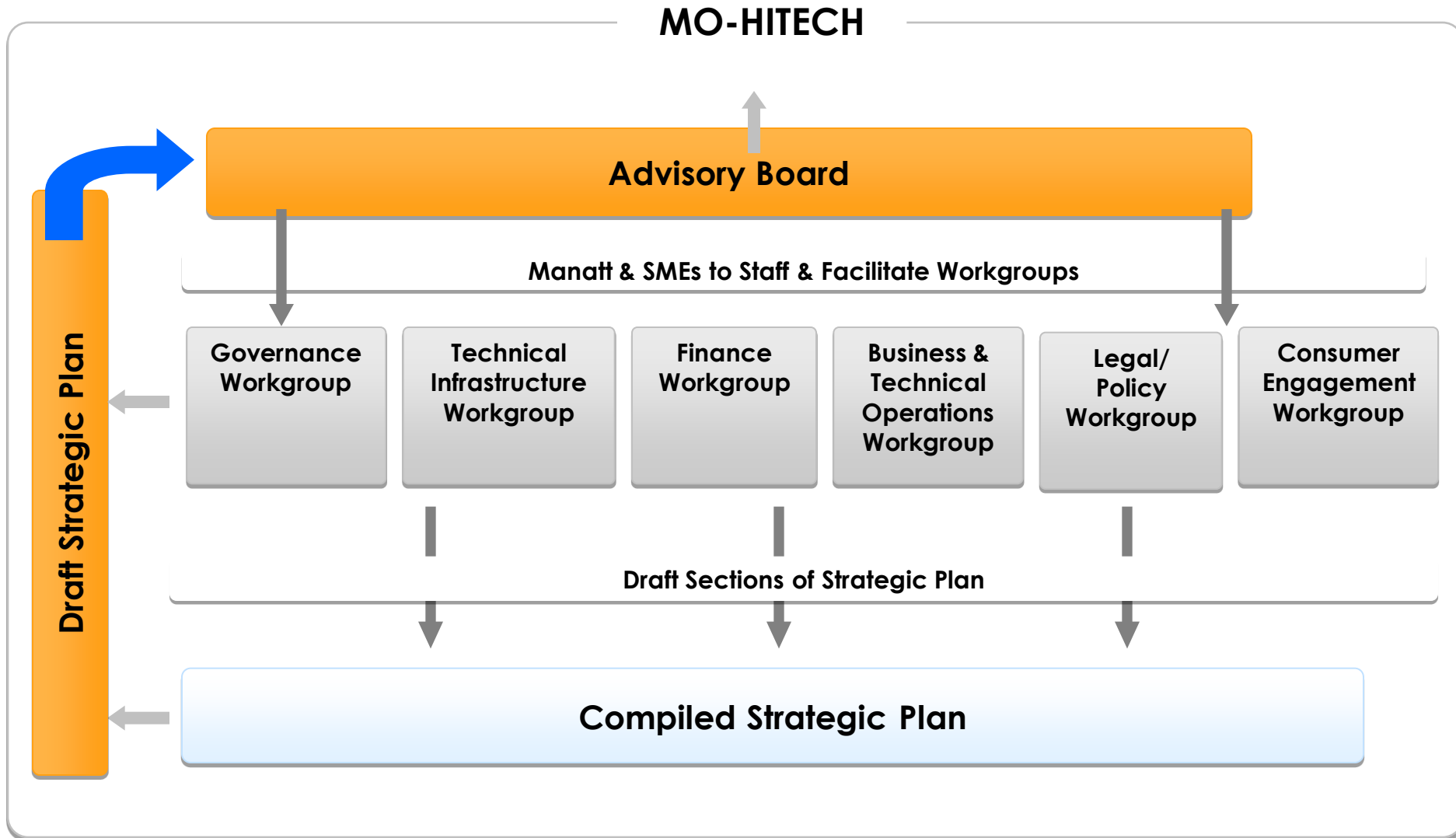
➤ Co-Chairs

- Steve Roling, Healthcare Foundation of Kansas City
- Ronald J. Levy, Director, Department of Social Services and HIT Coordinator

➤ Staff

- Laurie Hines, Special Assistant, Department of Social Services
- Bill Bernstein, Partner, Manatt Health Solutions
- Peter Olberg, Partner, Manatt Health Solutions
- Kier Wallis, Senior Analyst, Manatt Health Solutions

Building the Strategic Plan – Workgroup Framework



Project Tasks & Timeline through May 2010

State HIE Grant Application

Letter of Intent Submitted

Project Initiation

Begin Landscape Assessment & Interviews

Sept Oct

- Support State application process
- Conduct stakeholder interviews

Strategic Plan

Submit Application to HHS

Executive Order 09-27

Statewide Kickoff Meeting

Nov Dec Jan 2010 Feb

- Establish MO-HITECH
- Establish Advisory Board
- Convene Workgroups
- Draft Strategic Plan
- Publish Draft Strategic Plan for Review
- Develop detailed project timeline and work plan
- Engage and educate stakeholders

Submit Strategic Plan to HHS

Publish Draft Strategic Plan for Review/Comment

Operational Plan

Submit Operational Plan to HHS

Publish Draft Operational Plan for Review/Comment

Mar April May

- Convene Advisory Board & Workgroups
- Draft Operational Plan
- Publish Draft Operational Plan for Review
- Update project timeline and work plan
- Engage and educate stakeholders

Building the Strategic Plan –Draft Timeline

Weeks	Planning	Kickoff		First Draft	Final Draft	
Nov 9	Confirm AB membership					
Nov 16	Announce Wkgps & Kickoff Meeting					
Nov 23	Finalize Kickoff Meting Materials					
Nov 30	AB – Advisory Board Wkgps – Workgroups Subject Matter Experts – SMEs	Launch AB - 12/2	Launch Wkgps -12/3			
Dec 7				Workgroups Meet Regularly & Prepare 1 st Draft of Deliverables		
Dec 14				Manatt & SMEs to Advise WKgps		
Dec 21				Draft due to Manatt & MO-HITECH: 12/23		
Dec 28				Manatt to Compile First Draft		
Jan 4 2010				First Draft distributed to MO-HITECH & AB		
Jan 11				AB to review First Draft		
Jan 18					Wkgps to Revise First Draft	
Jan 25					Manatt & SMEs to advise Wkgps	
Feb 1					Drafts due to Manatt & MO-HITECH: Feb 5	
Feb 8					Manatt to compile revised Draft & distribute to Mo-HITECH & AB	
Feb 15					AB to review revised Draft	
Feb 22					Manatt & MO-HITECH to make final revisions	
					Finalize & Submit Strategic Plan	

Building the Strategic Plan – Advisory Board and Workgroup Tasks

- **Week of November 30th: Kickoff**
 - Launch Advisory Board (December 2nd)*
 - Host statewide kickoff meeting (December 2nd & 3rd)
 - Identify key deliverables and timeline
 - Identify workgroup leadership/co-chairs
 - Assign tasks (e.g. writing, research)
- **November 30th – December 23rd: First Draft**
 - Workgroups to meet weekly or bi-weekly (as determined necessary)
 - Draft Strategic Plan content & circulate for review
 - Incorporate workgroup revisions and feedback
 - Submit for incorporation into first draft
- **December 23rd – January 15th : Fill in Gaps**
 - Work with Manatt & subject matter experts to address gaps in first draft
 - Review Advisory Board & MO-HITECH feedback
- **January 15th – February 5th: Second Draft**
 - Revise Strategic Plan content based on Advisory Board & MO-HITECH feedback
 - Submit for incorporation into second draft
- **February 5th – February 28th: Finalize Strategic Plan**
 - Workgroup Co-Chairs to work with Manatt & subject matter experts to finalize Strategic Plan content
 - Submit Strategic Plan to ONC (Target submission date: February 28, 2010)

*Advisory Board will host its second meeting after January 1, 2010.

Building the Strategic Plan: Workgroups

- **Led by appointed Co-Chairs**
- **Open membership**
- **Staff supported**
- **Areas of focus**
 - Governance
 - Finance
 - Technical Infrastructure
 - Business & Technical Operations
 - Legal/Policy/Privacy
 - Consumer Engagement
- **Meetings & frequency**
 - Kickoff meeting: December 3rd, Jefferson City
 - Workgroups will meet weekly or bi-weekly following kickoff meeting (as necessary)
 - Meetings will be accessible via teleconference, but in-person participation is recommended; all meetings will take place in Jefferson City

State HIE Grant Application: MO-HITECH Cooperative Agreement Program

- **Submitted to ONC on October 16th**
- **Proposed project will:**
 - Develop a Strategic and Operational Plan to support the development of HIE capacity and infrastructure among Missouri's health care providers
 - Be overseen by a public-private Advisory Board that will provide guidance to MO-HITECH
 - Convene collaborative public stakeholder Workgroups to inform strategy development around the key areas of
 - Governance
 - Technical infrastructure
 - Finance
 - Business and technical operations
 - Legal/Policy
 - Consumer Engagement
 - Identify how the State may leverage existing regional HIE and health IT investments, as well as investments that the State has made in its technical infrastructure
 - Be closely coordinated with Medicaid and public health stakeholders to ensure that providers of underserved populations are able to participate in HIE and achieve meaningful use of EHRs

State HIE Grant Application: Governance

- The statewide HIE should provide **governance, leadership, and accountability** around the management of the HIE infrastructure, privacy and security, and a mechanism for consumer and provider participation.
- The Governance Workgroup will
 - Develop a governance framework that will ensure broad-based stakeholder collaboration and transparency
 - Review existing governance models within and outside of Missouri
 - Develop and vet governance models to be recommended to the Advisory Board
- The Workgroup will be tasked with ensuring a governance framework characterized by:
 - Alignment with Medicaid and public health programs
 - The ability to provide oversight and accountability to protect the public interest
 - The support of providers statewide to achieve meaningful use

Governance

Governance is the process of establishing the roles, responsibilities, and relationships between parties to organize and oversee activities among stakeholders and across state, regional, and local levels and implementation of associated accountability mechanisms.

ONC's Achievements Expected by 2011

- **Governance Structure:** Establish a governance structure that achieves broad-based stakeholder collaboration with transparency, buy-in and trust.
- **Goals, Objectives, Measures:** Set goals, objectives and performance measure for HIE reflecting consensus among stakeholder groups, accomplish statewide coverage of all providers for HIE meaningful use criteria.
- **Coordination:** Ensure coordination, integration, alignment of efforts with Medicaid and public health programs via efforts with HIT Coordinators.
- **Oversight and Accountability:** Establish oversight and accountability mechanisms to protect the public interest.
- **Alignment with National Governance:** Account for the flexibility needed to align with emerging nationwide HIE governance (as specified).

Building the Strategic Plan: Workgroup Deliverables

Workgroup	Deliverables
Governance	<ul style="list-style-type: none"> ➤ Description of governance entity including membership, authority, and governance model ➤ Description of how state will address HIE accountability and transparency ➤ Description of coordination with Medicaid, federally-funded state programs, and other ARRA programs (e.g. broadband)
Finance	<ul style="list-style-type: none"> ➤ Business plan that enables financial sustainability of HIE governance and operations by 2014 ➤ Develop and update project budget
Technical Infrastructure	<ul style="list-style-type: none"> ➤ Description of how infrastructure will facilitate interoperability ➤ Description of technical approach and architecture to be used including HIE services to be offered (<i>if applicable</i>) ➤ Review and augment environmental scan of HIE
Business & Technical Operations	<ul style="list-style-type: none"> ➤ Implementation strategy to address how the state will meet meaningful use requirements ➤ Description of incremental approach for HIE services to reach all geographies and providers ➤ Identify plan and timeline for NHIN participation
Legal/Policy	<ul style="list-style-type: none"> ➤ Describe MO and interstate privacy and security issues related to HIE ➤ Describe plans to analyze and/or modify state laws ➤ Describe development of policies and procedures to foster HIE ➤ Describe the use of trust agreements (e.g. data sharing and use agreements) ➤ Describe how the state will address noncompliance with HIE policies
Consumer Engagement	<ul style="list-style-type: none"> ➤ Consumer engagement and outreach plan ➤ Develop communications and educational materials for consumers, general public, and press

Building the Operational Plan: Workgroup Deliverables

Workgroup	Deliverables
Governance	<ul style="list-style-type: none"> ➤ Description of coordination and interdependencies with relevant ARRA programs (e.g. REC, broadband, and workforce development) ➤ Description of governance and policy structures, including their ongoing development
Finance	<ul style="list-style-type: none"> ➤ Detailed cost estimate for the implementation of the Strategic Plan ➤ Detailed schedule describing the tasks and sub-tasks to be completed, including resources, dependencies, and specific timeframes ➤ Description of proposed resolution and mitigation methods for identified issues and risks ➤ Staffing plans for the project, including project managers and description of key roles ➤ Description of activities to implement financial policies, procedures, and controls to ensure compliance with GAAP and OMB Circulars
Technical Infrastructure	<ul style="list-style-type: none"> ➤ Description of efforts to become consistent with HHS adopted interoperability standards and certification requirements as part of the planned implementation ➤ Description of the technical architecture and how its requirements will ensure statewide availability of HIE among healthcare providers, including plans for protection of health data ➤ Description of how the technical architecture will align with NHIN core services and specifications ➤ Description of technical solutions to develop HIE capacity and enable meaningful use
Business & Technical Operations	<ul style="list-style-type: none"> ➤ Project schedule describing tasks and sub-tasks to be completed to enable statewide HIE ➤ Identification and description of issues, risks, and interdependencies within the overall project ➤ Description of how the state will leverage current HIE capacities ➤ Description of state-level shared services and repositories to be leveraged (if applicable) ➤ Explanation of standard operating procedures and processes for HIE services will be developed and implemented (not required)
Legal/Policy	<ul style="list-style-type: none"> ➤ Description of how statewide HIE will comply with applicable federal and state legal policy requirements, including the process for developing and implementing policy requirements ➤ Description of interdependence of governance and oversight mechanisms ➤ Description of plans for privacy and security harmonization and plans for interstate coordination ➤ Address how state will comply with federal requirements for data protection
Consumer Engagement	<ul style="list-style-type: none"> ➤ Consumer engagement and outreach plan ➤ Communication messages and educational deliverables for dissemination

Strategic Plan Deliverables & Tentative Timeline

Governance	Strategic Plan
Charge	<ul style="list-style-type: none"> ➤ Develop the framework for roles and responsibilities to support statewide HIE ➤ Develop the framework for coordination among public and private organizations/stakeholders to support statewide HIE, including coordination with relevant ARRA programs ➤ Provide legal and policy support for the development and operation of MO-HITECH ➤ Provide legal and policy support for the development of the Strategic and Operational Plans
Deliverables	<ul style="list-style-type: none"> ➤ Description of governance entity including membership, authority, and governance model ➤ Description of how state will address HIE accountability and transparency ➤ Description of coordination with Medicaid, federally-funded state programs, and other ARRA programs (e.g. broadband)
Tentative Timeline (Week(s) of)	<ul style="list-style-type: none"> ➤ Dec 2 & 3: Attend Statewide Kickoff Meeting to review & confirm Workgroup charge; distribute assignments ➤ Dec. 9: Provide comments and feedback on threshold questions (above) to Workgroup staff and co-chairs; please send feedback to kwallis@manatt.com ➤ Dec. 16, 11:30 am – 1:30 pm: Workgroup meeting to review collected feedback ➤ Dec. 23: First draft due to MO-HITECH & Manatt ➤ Jan. 8: Manatt to distribute feedback/questions to Workgroup ➤ Jan. 11: Review draft Strategic Plan sent to Advisory Board ➤ Jan. 18 – Feb. 5: Revise draft Strategic Plan components based on Advisory Board & MO-HITECH feedback ➤ Feb. 5: Workgroup to submit updated draft ➤ Feb 5 - 28: Workgroup to meet ad hoc to address questions and revise Strategic Plan Content
Co-Chairs	Steve Roling, Healthcare Foundation of Kansas City Ronald J. Levy, Director, Department of Social Services and HIT Coordinator
Staff	Laurie Hines, Special Assistant, Department of Social Services Bill Bernstein, Partner, Manatt Health Solutions Peter Olberg, Partner, Manatt Health Solutions Kier Wallis, Senior Analyst, Manatt Health Solutions

Governance: Considerations

- Important distinction between state government and statewide governance, which refers to the process to serve the collective interests in the State.
- Governance occurs at multiple levels: local, regional, statewide, interstate, and federal. States must define the roles, inter-relationships, and obligations within and across these layers.
- Effective governance is built on inclusive and transparent processes that identify and develop practical policies for key decisions.
- Accountability can be achieved through a variety of mechanisms, including statutory, regulatory, contracts, self-enforcement.
- Key question: should the State-level effort be empowered to sanction/accredit other entities (e.g. local health information exchanges, providers, payers) participation in the exchange of data in a state?

Governance: Key Strategies & Tasks

Statewide governance allows us to

- **Develop HIE Policies and Standards.** Develop and adopt consensus-based principles and policies designed to meet the broad needs of consumers and health care organizations involved in health IT and health information exchange activities across Missouri.
- **Establish Accountability Measures and Track Progress.** Develop tools to evaluate the use and impact of health IT and health information exchange, including its costs and benefits to various stakeholders.
- **Convene, Inform, and Engage Key Constituencies.** Establish mechanisms to inform and include stakeholders in its activities, and to incorporate their input into policy recommendations on an ongoing basis.
- **Develop and Administer a Contractual Framework.** Develop and administer a contractual framework for the oversight and enforcement of policy guidance.
- **Develop and Administer Policies and Payment.** Develop and administer policies for the payment of shared services.

Potential Functions of a Comprehensive Governance Entity

Administration

Provides operational and financial oversight, as necessary. Likely overseen by an Executive Director and staff that reports to a Board of Directors. Includes oversight of

- Fiscal processing
- Legal issues
- Contracting

Statewide Collaboration Process

Open and transparent stakeholder process to address and resolve issues relative to

- Health outcomes
- Privacy & security
- Technology
- Sustainability

Shared Services

Contract for and manage services to be utilized by all HIEs across the state, for example

- Core services
- State-level services
- Membership
- Testing
- Monitoring

Adoption Services

Provides support and assistance with adoption and implementation of

- Electronic health records (EHRs)
- Health information exchange (HIE)
- Electronic prescribing (eRx)
- Personal health records (PHRs)

Communication and Education

Provides outreach and education tools around HIE activities and its implications to

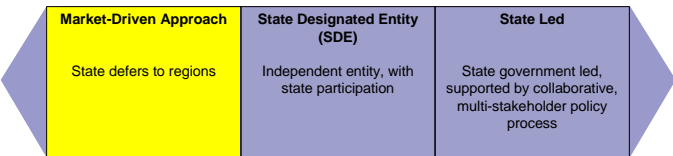
- Consumers
- Providers

Governance Continuum

- **How should HIE be governed in Missouri?**
- **What are the State and private sector's roles?**

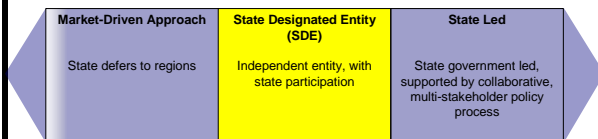


Governance – Option 1

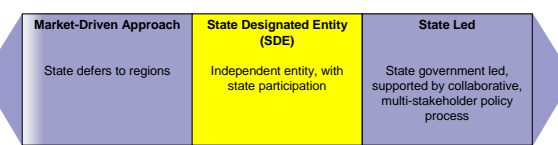
Option	Pros	Cons
<p>Market-Driven Approach</p> <p>The State, either directly through a State agency or through a contract with a not-for-profit governance entity, obtains and distributes grant funds through an RFP process to local and regional HIE efforts across the state. Each local or regional HIE effort is responsible for its own policy, governance and operations. Coordination and interoperability across HIEs is dependent upon existing and emerging federal standards.</p> 	<ul style="list-style-type: none"> ➤ Direct ➤ Cost effective ➤ Ensures market support ➤ Necessarily self-supported ➤ Most rapid procurement process 	<ul style="list-style-type: none"> ➤ No defined structure for building consensus or generating widespread mutual trust ➤ May lack urgency ➤ May leave public health or policy goals unachieved ➤ Experience to date does not demonstrate support for a true market-based approach ➤ Requires mechanism to address coverage gaps ➤ Risks sub-optimal realization of meaningful use dollars ➤ Lacks coordinated strategy

Governance – Option 2 (A)

Option	Pros	Cons
<p>Not-for-profit Governance Entity</p> <p>The State contracts with a not-for-profit governance entity that is responsible for managing the statewide collaboration process, recommending statewide policy and guidance and governing the operations of HIE efforts throughout the state. The not-for-profit governance entity does not operate the HIE directly, but contracts with either one statewide HIE or multiple regional HIEs to provide HIE operations.</p>	<ul style="list-style-type: none"> ➤ Builds consensus and trust in a multi-stakeholder environment ➤ May be removed from State political changes ➤ Multi-stakeholder environment likely improves long-term sustainability ➤ Allows for flexibility ➤ Voluntary self-regulation avoids creating a State bureaucratic process 	<ul style="list-style-type: none"> ➤ Creates a new level of organization that may threaten the independence of existing HIE initiatives ➤ Requires immediate initial investment in administrative resources ➤ May require compliance with state procurement law

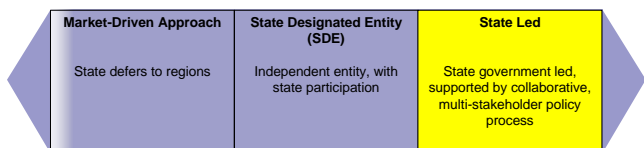


Governance – Option 2 (B)

Option	Pros	Cons
<p>Not-for-profit Governance Entity and Operator</p> <p>The State contracts with a not-for-profit governance entity that is responsible for managing the statewide collaboration process, recommending statewide policy and guidance and governing the operations of HIE efforts throughout the state. The not-for-profit governance entity is responsible for operating the statewide HIE or shared statewide HIE services.</p> 	<ul style="list-style-type: none"> ➤ Facilitates interoperability among HIEs using State services ➤ Builds consensus and trust in a multi-stakeholder environment ➤ May be removed from State political changes ➤ Multi-stakeholder environment likely improves long-term sustainability ➤ Allows for flexibility ➤ Voluntary self-regulation avoids creating a State bureaucratic process 	<ul style="list-style-type: none"> ➤ May supplant or require significant modification to existing exchanges with the operation of a single statewide exchange or statewide corer services ➤ Creates a new level of organization that may threaten the independence of existing HIE initiatives ➤ Requires immediate initial investment in administrative resources ➤ May require procurement with state procurement law

Governance – Option 3

Option	Pros	Cons
<p>State Led</p> <p>The State, directly through a State agency, is responsible for managing the statewide collaboration process, recommending statewide policy and guidance and governing the operations of HIE efforts throughout the state. The State does not operate the HIE directly, but contracts with either one statewide HIE or multiple regional HIEs to provide HIE operations.</p>	<ul style="list-style-type: none"> ➤ Elevates priority of State health outcomes ➤ Prioritizes State HIE goals ➤ May build on existing State efforts ➤ Adherence to existing State process and guidelines ➤ Creates accountability with the State 	<ul style="list-style-type: none"> ➤ Requires State commitment to administrative funding that does not exist today ➤ May be less flexible and unable to respond to immediate needs ➤ State procurement process may lengthen implementation timelines ➤ Some do not support increasing the size of government



State-level HIE Governance & Technical Operations

In support of a statewide organizing capacity, state-level efforts serve two important and distinct roles:

- **Governance:** A primary role to convene health care stakeholders, promote collaboration, develop consensus, coordinate policies and procedures to secure data sharing, and lead and oversee statewide efforts.
- **Technical operations:** An optional and variable role to manage and operate the technical infrastructure, services, and/or applications to support statewide efforts.

Role	Governance		Technical Operations
Function	Convene	Coordinate	Operate/Manage
Task	<ul style="list-style-type: none"> ➤ Provide neutral forum for all stakeholders ➤ Educate constituents & inform HIE policy deliberations ➤ Advocate for statewide HIE ➤ Serve as an information resource for local HIE and health IT activities ➤ Track/assess national HIE and health IT efforts ➤ Facilitate consumer input 	<ul style="list-style-type: none"> ➤ Develop and lead plan for implementation of statewide solutions for interoperability. ➤ Promote consistency and effectiveness of statewide HIE policies and practices ➤ Support integration of HIE efforts with other healthcare goals, objectives, & initiatives ➤ Facilitate alignment of statewide, interstate, & national HIE strategies 	<ul style="list-style-type: none"> ➤ Serve as central hub for statewide or national data sources and shared services ➤ Own or contract with vendor(s) for the hardware, software, and/or services to conduct HIE ➤ Provide administrative support & serve as a technical resource to local HIE efforts

Finance: Federal Vision for HIE

➤ **ONC's State HIE Funding Opportunity Announcement...**

- "Medicare and Medicaid meaningful use incentives are anticipated to create demand for products and services that enable HIE among eligible providers... . The resulting demand for HIE will likely be met by an increased supply of marketed products and services to enable HIE, resulting in a competitive marketplace for HIE services."

Implications

- ONC acknowledges that a viable market for HIE doesn't currently exist.
- Stakeholders must develop a governance, financing, policy and technical infrastructure that both supplies high-value HIE services and creates sustainable demand.

Funding For Building HIE Across a State

Federal Sources.....State-Based Sources

	State HIE Grant	Regional Extension Center	Medicaid Incentives	Medicaid Admin	State Rev	Medicaid Managed Care Programs	Provider Remittance Fees	Ins Claims Adjudication Fees
Total Available	\$4-40 million	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Distribution	Quarterly 2010-2014	Quarterly 2010-2014	TDB 2011-2016	Annual	Annual	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Mechanism	Coop Agreement	Coop Agreement	<i>TBD</i>	<i>TBD</i>	Approps	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Fiscal Agent	State	<i>TBD</i>	Providers	State	State Agency	State Agency	<i>TBD</i>	<i>TBD</i>
Primary Focus	HIE Capacity	HIT Adoption	Meaningful Use	Some Flexibility	Flexible	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>

Bottom Line

Costs to build, operate and maintain HIE exceed funding from any single funding source.

Governance: Discussion Questions

- Is a statewide governance entity required? If so, why?
- Which of the models best serves Missouri's interest to:
 - Efficiently execute the essential functions needed to enable HIE in Missouri?
 - Meet ONC's requirement of achieving broad-based stakeholder collaboration?
- What are the key functions that a statewide HIE governance entity should be able to perform in order to enable the accomplishment of the goals of HIE in Missouri?
 - Convene
 - Coordinate
 - Operate/Manage
- If the creation of a not-for-profit governance entity is the selected choice, what role should State Government have in the governance structure?
 - Board seats
 - Approval/veto of statewide policy guidance
 - Medicaid as a user/financial supporter of the statewide network
- If the creation of a not-for-profit governance entity is the selected choice, should a newly-formed entity be established to serve as the statewide governance/operations not-for-profit entity, or are there existing organizations that could play this role?
- What requirements should be taken into consideration in forming the board of a not-for-profit governance entity?
- In addition to a statewide governance entity, should there be regional governance entities? If so, how should they relate to the statewide governance entity?
- What standing committees should be in place to maximize an inclusive statewide consensus process?
- If there is a statewide governance entity, what are the options to relate to neighboring state initiatives?
- What enforcement mechanisms should the statewide governance entity have at its disposal to assure compliance with the rules that are adopted?
- Based on all considerations, what is the optimal model for statewide HIE governance in Missouri?

Next Steps

- **Review Application & Project Narrative**
 - <http://dss.missouri.gov/hie/files/pca-project-narrative.pdf>
- **Review Strategic Plan requirements**
 - Funding Opportunity Announcement:
http://healthit.hhs.gov/portal/server.pt?open=512&objID=1336&parentname=CommunityPage&parentid=2&mode=2&in_hi_userid=10741&cached=true
- **Identify additional stakeholders for future Workgroup participation**
- **Review identified tasks and assignments**
- **Submit feedback and comments on discussion questions by December 9th to kwallis@manatt.com**
- **Next Meeting: December 16th, 11:30 am – 1:30 pm**
 - 205 Jefferson St, Jefferson City MO 10th floor Conference Room B